

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

[illegible]

DECLARATION OF COUNSEL

I, MICHAEL J. PARK, state under penalty of perjury of law that the following is true and correct:

1. I am the court appointed attorney representing Defendant JOSE PRIETO in this matter.
2. On November 29, 2005, I was appointed to represent Mr. Prieto in the above entitled matter on November 29, 2005.
3. I obtained discovery on this matter on December 7, 2005.
4. The file consists of one banker box of records, discovery and trial materials, and I am still reviewing the contents of Defendant's file.

5. That I have met with Defendant and have discussed the matter of sentencing with him.
6. That he indicated that he was not shown any of the discovery by his former counsel and that he was not fully aware of all the ramifications of his going to trial on count 2 of the indictment would affect his sentencing on Counts 1 and 3.
7. Defendant has asked counsel a number of questions relating to issues other than his sentencing statement and to review some of the discovery that was not provided.
8. That I have not been able to prepare a Motion for Downward Departure within the relevant deadline due to the discussions relating to his trial and effectiveness of prior counsel.
9. Counsel has asked AUSA, Thomas C. Muehleck to agree to a continuance of Defendant's sentencing date; however he has asked that I file this motion.
10. Defendant's counsel respectfully requests that this court continue the sentencing date for an additional two months to provide counsel time to adequately review defendant's file, issues pertaining to effectiveness of counsel, prior criminal history and prepare a motion for downward departure.

I DECLARE UNDER PENALTY OF LAW THAT THE FORGOING IS TRUE
AND CORRECT.

DATED: Honolulu, Hawaii, February 22, 2005.

/s/MICHAEL J. PARK